

### **REMARKS**

Claims 31-35 and claims 37-39 are pending. Reconsideration and withdrawal of the rejections are requested in view of the following remarks.

Support for the amendments to claims 31 is found at page 4, lines 4-17 and page 13, lines 10-23.

Support for the amendments to claim 38 is found in original claim 38.

*Claim 31-35, 37-39: rejected under 35 U.S.C. 112*

In the Office Action, claims 31-35 and 37-39 are rejected under 35 U.S.C. 112. (OA at ¶ 2-3.) In response applicant has amended claim 31 to claim "providing a source of potable water having at least 3.5 grains of hardness per gallon" and claim 38 to claim "wherein the output flow of permeate water has a hardness below 3.5 grains per gallon."

The specification enables one skilled in the art to fully practice claims 31-35 and 37-39 by describing a system as set forth in Figures 1 and 2, nanofiltration elements as set forth at pages 8-11, and operating parameters as set forth at pages 12-13. "A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as in compliance with the enablement requirement of 35 U.S.C. 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support." MPEP 2164.04.

Further, claims 31-35 and 37-39 are not indefinite as the claims recite "providing a source of potable water having at least 3.5 grains of hardness per gallon."

Accordingly, Applicants request that the rejection be withdrawn.

Appl. No. 09/909,488  
Amendment dated August 13, 2007  
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Patent

*Claim 31-35, 37-39: rejected under 35 U.S.C. 102(e)*

In the Office Action, claims 31-35 and 37-39 are rejected under 35 U.S.C. 102(e) in view of U.S. Patent No. 6,702,944 (the '944 patent). In response submitted herewith is a declaration under 37 C.F.R. 1.131 establishing the completion of the invention of this application in the United States at a date prior July 7, 2000, which is prior to the filing date of the '944 patent and U.S. Provisional Patent Application No. 60/216,668 to which the '944 patent claims priority. Accordingly, Applicants request withdrawal of the rejections.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is in condition for allowance. A Notice of Allowance is requested. If the Examiner has any questions or matters that can be expediently handled by telephone, he or she is encouraged to contact the undersigned at (310) 788-9900.

Respectfully submitted,  
Perkins Coie LLP

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/Joseph P. Hamilton, Reg. No. 51,770/  
Joseph P. Hamilton  
Registration No. 51,770

### **Correspondence Address:**

Customer No. 34055  
Perkins Coie LLP  
Patent – LA  
P.O. Box 1208  
Seattle, WA 98111-1208  
Phone: (310) 788-9900  
Fax: (206) 332-7198